

Iowa Department of Natural Resources  
Natural Resource Commission

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ITEM

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DECISION

TOPIC Chapter 94, Nonresident Deer Hunting – NOIA

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The Commission is requested to approve this Notice to amend Chapter 94, Nonresident Deer Hunting.

Chapter 94 gives the regulations for nonresident deer hunting and includes season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and methods of take, and transportation and reporting requirements. The proposed amendment makes the wording consistent for the regulation on shooting from a roadway for residents and nonresidents. It also explains that a person who was unsuccessful in the drawing and then purchases a preference point will receive a refund for the cost of the preference point.

Dr. Dale Garner, Wildlife Bureau Chief  
Conservation and Recreation Division  
March 11, 2010

Attached: Chapter 94, Nonresident Deer Hunting – NOIA

NATURAL RESOURCE COMMISSION[571]

**Notice of Intended Action**

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 94, “Nonresident Deer Hunting,” Iowa Administrative Code.

Chapter 94 gives the regulations for nonresident deer hunting and includes season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and methods of take, and transportation and reporting requirements. The proposed amendment revises wording making the regulation on shooting from a roadway for residents and nonresidents consistent. The amendments also provide that a person who was unsuccessful in the drawing and then purchases a preference point will receive a refund for the cost of the preference point.

Any interested person may make written suggestions or comments on the proposed amendments on or before April 27, 2010. Written comments may be directed to the Wildlife Bureau's website at [www.iowadnr.com](http://www.iowadnr.com) or may be sent to the Wildlife Bureau Chief, Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319-0034; fax (515)281-6794. Persons who wish to convey their views orally should contact the Wildlife Bureau at (515)281-5034 or at the Wildlife Bureau offices on the fourth floor of the Wallace State Office Building.

There will be public hearings held via the Iowa Communications Network on April 27, 2010. Interested persons should contact the Department at (515)281-5034 for a list of hearing locations or go to the Department's website at [www.iowadnr.com](http://www.iowadnr.com). At the hearing, persons may

present their views either orally or in writing. Participants will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should inform the Department of Natural Resources of specific needs.

These amendments are intended to implement Iowa Code sections 481A.38, 481A.39, 481A.48, 483A.1, 483A.8 and 483A.24.

The following amendments are proposed.

**ITEM 1.** Amend subrule 94.7(5) as follows:

**94.7(5)** Discharge of firearms from ~~highway~~ roadway. No person shall discharge a ~~shotgun shooting slugs or muzzleloader~~ rifle, including a muzzleloading rifle or musket, or a handgun from a highway during the regular gun seasons in all counties and parts of counties north of Highway 30 ~~and west of Highway 63~~. A “highway” means the way between property lines open to the public for vehicle traffic, including the road ditch, as defined in Iowa Code section 321.1(78).

**ITEM 2.** Amend subrules 94.8(3) and 94.8(4):

**94.8(3)** Preference points. Each individual applicant who is unsuccessful in the drawing for an any-deer license will be assigned one preference point for each year that the individual is unsuccessful. If a person who was unsuccessful in the drawing purchases a leftover license they will receive a refund for the cost of the preference point. Preference points will not accrue in a year in which an applicant fails to apply, but the applicant will retain any preference points previously earned. Preference points will apply only to obtaining any-deer licenses. Once an applicant receives an any-deer nonresident deer hunting license, all preference points will be removed until the applicant is again unsuccessful in a drawing or purchases a preference point as described in subrule 94.8(4). Preference points will apply to any zone or season for which a hunter applies. The first drawing for any-deer licenses each year will be made from the pool of applicants with the most preference points. If licenses are still available after the first drawing, subsequent drawings will be made from pools of applicants with successively fewer preference points and continue until the any-deer license quota is reached or all applicants have received licenses. Applicants who apply as a group will be included in a pool of applicants with the same number of preference points as that of the member of the group with the fewest preference points assigned.

**94.8(4)** Purchasing preference points. A nonresident who does not want to hunt in the current year may purchase one preference point per calendar year. The preference point will apply to the next year’s drawing for any-deer licenses. The preference point will be treated in the same manner as preference points obtained by hunters who are unsuccessful in the any-deer license drawing. A nonresident may not purchase a preference point and apply for an any-deer license in the same calendar year. Preference points may be purchased only during the application period for any-deer licenses. ~~Preference points will cost \$10 to offset administrative costs in addition to the usual writing fee, convenience fee and other fees charged by the ELSI system.~~

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Date

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Richard A. Leopold, Director